

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO. 3:16CV34CWR-FKB

**THIRD COAST TOWING, LLC,
GREAT AMERICAN INSURANCE,
AND NATURE’S WAY MARINE, LLC**

DEFENDANTS

AND

**NATURE’S WAY MARINE, LLC AND
ENVIRONMENTAL POLLUTION GROUP, LLC**

COUNTER-PLAINTIFFS

V.

**UNITED STATES OF AMERICA,
UNITED STATES COAST GUARD,
NATIONAL POLLUTION FUNDS CENTER
AND OIL SPILL LIABILITY TRUST FUND**

COUNTER-DEFENDANTS

AND

NATURE’S WAY MARINE, LLC

CROSS-CLAIMANT

V.

THIRD COAST TOWING, LLC

CROSS-DEFENDANT

AND

GREAT AMERICAN INSURANCE COMPANY

CROSS-CLAIMANT

V.

THIRD COAST TOWING, LLC

CROSS-DEFENDANT

AND

GREAT AMERICAN INSURANCE COMPANY

THIRD PARTY PLAINTIFF

V.

**AMERICAN STEAMSHIP OWNERS MUTUAL
PROTECTION & INDEMNITY ASSOCIATION, INC.
(THE AMERICAN CLUB)**

THIRD PARTY DEFENDANT

AND

THIRD COAST TOWING, LLC

CROSS-CLAIMANT

V.

NATURE’S WAY MARINE, LLC

CROSS-DEFENDANT

**NATURE’S WAY MARINE, LLC AND
ENVIRONMENTAL POLLUTION GROUP, LLC’S MOTION TO TRANSFER**

Nature’s Way Marine, LLC (“Nature’s Way”) and Environmental Pollution Group, LLC (“EPG”) move the Court to transfer this matter to the United States District Court for the Eastern District of Louisiana pursuant to the “first-filed rule” and respectfully assert as follows:

1. This action, filed on January 22, 2016, involves the circumstances of an allision that occurred on January 27, 2013, at the Mississippi River Bridge at Vicksburg, Mississippi and issues relating to oil spill clean-up costs incurred as a result of that allision.

2. The issues in this action substantially overlap with the issues in two previously filed actions pending in the United States District Court for the Eastern District of Louisiana under Civil Action No. 2:15-cv-1743.

3. Transfer under the first-filed rule will promote judicial economy and avoid duplication of effort by the parties and the Court.

4. Pursuant to the first-filed rule, this Court should transfer this action to the United States District Court for the Eastern District of Louisiana for further proceeding in conjunction with Civil Action No. 2:15-cv-1743.

5. In support of this motion, the Court can take judicial notice of the Complaint filed by the United States and the Answer and Counterclaim filed by Nature’s Way and EPG. The Court should also consider the following pleadings:

(a) Exhibit 1, Complaint filed May 22, 2015, in *Nature's Way Marine, LLC v. National Union Fire Insurance Co. of Pittsburgh, PA and Robert Milana*, United States District Court for the Eastern District of Louisiana, Civil Action No. 2:15-cv-1743;

(b) Exhibit 2, Complaint filed December 14, 2015, in *Nature's Way Marine, LLC, Underwriters Subscribing To P&I Policy No. HPI-12-130322, and Underwriters Subscribing to Excess Policy No. MUS333398-12-1 v. Underwriters Subscribing To Cargo Policy No. B0180P133593*, United States District Court for the Eastern District of Louisiana, Civil Action No. 2:15-cv-6744; and

(c) Exhibit 3, Order entered March 4, 2016, consolidating Civil Action No. 2:15-cv-1743 and Civil Action No. 2:15-cv-6744.

WHEREFORE, the Court should transfer this matter to the United States District Court for the Eastern District of Louisiana, to be consolidated with Civil Action No. 2:15-cv-1743 for further proceedings as deemed appropriate by that Court.

THIS 2nd day of September 2016.

Respectfully submitted,

NATURE'S WAY MARINE, LLC
and ENVIRONMENTAL POLLUTION
GROUP, LLC

By Their Attorneys,
JONES WALKER LLP

By: /s/ Neville H. Boschert
Neville H. Boschert

Neville H. Boschert (MSB No. 3697)
JONES WALKER LLP
190 E. Capitol Street, Suite 800 (39201)
P.O. Box 427
Jackson, MS 39205-0427
Telephone: (601) 949-4900
Facsimile: (601) 949-4804
nboschert@joneswalker.com

Stanley A. Millan (*pro hac vice*)
Jefferson R. Tillery (*pro hac vice*)
Marc C. Hebert (*pro hac vice*)
JONES WALKER LLP
201 St. Charles Avenue
New Orleans, LA 70170-5100
Telephone: (504) 582-8000
Facsimile: (504) 582-8583
smillan@joneswalker.com
jtillery@joneswalker.com
mhebert@joneswalker.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing pleading upon counsel of record by filing in this Court's CM/ECF system.

This 2nd day of September 2016.

/s/ Neville H. Boschert
Neville H. Boschert